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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 004563

SIPDIS

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TAGS: PHUM KJUS CO

SUBJECT: COLOMBIAN IMPUNITY PROJECT SUCCESSES

REF: A. WHA/AND EMAIL OF 04/07/2005

1B. STATE 2898

SUMMARY

11. (U) The following is a response to ref A requesting additional information on the Dutch-funded Anti-Impunity Project. The Project continues to achieve notable successes, including bringing high-profile human rights cases to conclusion. The Project strengthens Government efforts to tackle complicated human rights cases and build the means to resolve future ones, goals that coincide with USG objectives. The Dutch Embassy is satisfied with the results of the Project thus far, but is still looking for assistance from other governments and international organizations -- especially the USG -- to create a unified front to maintain the issue on the GOC's front burners. End summary.

CONCRETE RESULTS

12. (U) The Dutch-funded Anti-Impunity Project directed by the Presidential Program for Human Rights has played an important role in resolving or aiding in the investigation of over 170 high-profile human rights cases (reftel b). The following is a list of some of the more notable cases and their status:

Chengue: Of the 10 persons tied to the January 2001 murder of 27 peasants in Sucre department -- including two Colombian marines and eight paramilitaries -- an intense investigation left five paramilitaries sentenced to prison for aggravated homicide.

Santo Domingo: Of the eight persons --- including three members of the Colombian Air Force and five members of the FARC -- tied to the December 1998 bombing and killing of 17 persons (of which three were children) by Colombian Air Force members after a fight with guerrillas earlier that day, two members of the FARC and all three members of the Air Force were charged with homicide.

Mapiripan: Of the 16 persons -- including eight paramilitaries, six members of the Colombian Army, and two civilians -- tied to the June 1997 killing of 27 peasants by paramilitaries, with military collaboration, three homicide cases are still pending and eight persons were sentenced to jail, including three soldiers, four paramilitaries, and one civilian.

Bojaya: Of the 15 persons -- including one paramilitary and 14 members of the FARC -- tied to the 2002 FARC attack that left 119 persons dead (of which 45 were children), one FARC member was accused of co-authoring the massacre, rebellion, use of illicit methods of war, and acts of terrorism. Eleven FARC members are in prison for aggravated homicide of a protected person, rebellion, use of illicit methods of war, and acts of terrorism.

Alto Naya: Of the 86 paramilitaries implicated in the 2001 killing of 19 peasants, 71 were charged with aggravated homicide and forced displacement, of which three received prison sentences of 24 years and eight months. Thirteen persons were sentenced to 48 months in prison for facilitating the massacre. One other is awaiting sentencing for aiding and abetting the crime, and three persons were jailed for crimes of multiple homicides in connection with terrorism, forced displacement, and obtaining false documents. They include Elkin Casarrubia (aka Mario), a paramilitary commander from Cauca Department, and paramilitary captains Oscar Hernando Builes and Ruben Briam Blanco. Two were convicted of murder and are awaiting the results of an appeal, one had his case sent back for trial in the juvenile justice system, five were charged with facilitating the crime, and the two remaining have a court order for their capture.

La Cabuya: Of the 12 Colombian soldiers charged with aggravated homicide in the 1998 paramilitary killing of five peasants (including a pregnant woman), all are still awaiting trial.

Homicide of Uberney Giraldo of the Renovacion Socialista:

Thirteen paramilitaries were tied to the crime, and four were sentenced to prison.

Barrancabermeja: Of the five paramilitaries implicated in the disappearances and murders of 26 inhabitants, three were charged with homicide and forced disappearance, another has already been sentenced to prison for multiple aggravated homicides, and the case against the fifth was closed.

Pueblo Bello: Of the 25 paramilitaries tied to the 1994 FARC killing of 16 peasants, 13 were convicted of multiple homicide, kidnapping, and use of illegal uniforms, four are jailed pending further investigation, and 10 have pending arrest warrants.

La Granja: Of the 45 persons tied to the forced displacement of hundreds of persons in the area, 37 were paramilitaries, five were members of the National Police, one was a soldier, and two were ex-members of the Fiscalia,s Corps of Technical Investigators (CTI). Ten paramilitaries were charged with aiding and abetting the crime. Thirty-five of these have been jailed, including the five members of the National Police, the one soldier, the former two CTI members, and 22 paramilitaries.

Wilson Borja: Of the 21 persons implicated in the attempted murder, four were retired and two were active members of the Army, one was a retired member of the National Police, five were paramilitaries, and nine were civilians. Five persons were jailed, including one active and two retired members of the Army, and two paramilitaries. In 2004, Army Captain Cesar Alonso Maldonado was sentenced to 28 years in prison for his role in the crime. He escaped in November 2004. Disappearance of Guillermo Torres Valdivieso: In 2004, one paramilitary received a 22 year 8 months prison sentence for his role in the crime against the president of the Communal Action Board of the Jose Madrid neighborhood in the city of Bucaramanga.

San Diego: In 2004, three paramilitaries were sentenced to 40 years in prison for the murder of four persons in Los Tupes.

Popayan: In 2004, two paramilitaries were sentenced to 34 years in prison for the murder of three civilians and the kidnapping and extortion of another.

El Naya: In 2004, two paramilitaries were sentenced to six years, 10 months and 13 days in prison for murder and forced displacement.

San Jose de Apartado: The Anti-Impunity Project is also playing a role in the current investigation of the February 2005 killing of eight persons by unknown assailants.

CONCLUSION

13. (C) The Anti-Impunity Project appears to be headed in the right direction. It compliments USG goals of increasing conviction rates and aiding the development of good governance. The Dutch are pleased with the Project's results so far, and maintain hope that the GOC will continue building an effective and sustainable program when outside funding runs out, and develop a sound policy that coordinates all investigative and prosecutorial functions of government. Although the Dutch are interested in continuing funding over the next few years, they prefer to maintain low visibility to avoid the appearance of directly "pulling the strings." The Dutch have expressed interest in USG participation in the project to create a unified front to keep the issue of impunity on the GOC's front burners.

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